IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTIETH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 28802 of 1997

Between:

M/s. B.T. & FC(P) Ltd., rep. by its Purchase Officer,B. Mahmood Khan
Regd.Office: No.27, Grant Road, Bangalore-560 001,

..... PETITIONER

AND

1 The Commissioner of Prohibition & Excise,
Hyderabad. Andhra Pradesh,
2 The Assistant Commissioner of Prohibition & Excise,
Visakhapatnam, Visakhapatnam District.
3 The Superintendent, Prohibition & Excise,
Chodavaram, Visakhapatnam District.
4 The Superintendent, Prohibition & Excise,
Narsipatnam, Visakhapatnam district.
5 The Anakapalli Cooperative Sugars Ltd.,
Thummopala, Chodavaram, Visakhapatnam district.
6 The Etikopaka Cooperative Agricultural Industrial Society Ltd.,
Narsipatnam, Visakhapatnam district.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction, particularly one in the nature of Writ of Mandamus, declaring the demand of payment of administrative charges at the rate of Rs.25/- per metric tonne on Molasses purchase and Transport from Andhra Pradesh to Karnataka State and the insistence on taking an escort with each tanker Lorry Transporting Molasses by the Petitioner, as illegal, without jurisdiction apart from being violative of Article 19(1) (g) of Constitution of India.

Counsel for the Petitioner: MR.P.PRASAD

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court made the following :

THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No.28802 of 1997

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ORDER:

It is represented by the learned counsel for the petitioner that the subject matter in this writ petition is squarely covered by a Division Bench judgment of this Court dated 08-05-2001 in W.A.No.2209 of 1998 and batch, wherein it was held. –

> "In view of what is stated above, while we uphold the argument that the State is not debarred from making any legislation with regard to the molasses, we hold that since no such legislation has been made by the State of A.P., regarding the subject of molasses, the impugned orders of the respondents are unconstitutional, illegal and nonest.
>
> Accordingly, the Writ Appeals are dismissed and the Writ Petitions are allowed".

Recording the above submission and following the ratio in the aforementioned judgment, this Writ Petition is also allowed. Office is directed to annex a copy of the judgment in W.A.No.2209 of 1998 and batch, dated 08-05-2001, to this order. No costs.

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N.V. RAMANA, J

Date: 30-03-2005

Svv

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Wednesday, the Thirtieth day of March, Two thousand and Five.

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Commissioner of Prohibition & Excise,
Hyderabad. Andhra Pradesh,
2 The Assistant Commissioner of Prohibition & Excise,
Visakhapatnam, Visakhapatnam District.
3 The Superintendent, Prohibition & Excise,
Chodavaram, Visakhapatnam District.
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5 The Anakapalli Cooperative Sugars Ltd.,
Thummopala, Chodavaram, Visakhapatnam district.
6 The Etikopaka Cooperative Agricultural Industrial Society Ltd.,
Narsipatnam, Visakhapatnam district.

7 Two CCs. to the Government Pleader for Prohibition & Excise, High Court Buildings, A.P., Hyderabad (OUT).

8 Two CD copies

Enclose order copy in W.A. No.2209 of 1998 and batch, dated 08-05-2001